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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,600    01/05/98    WUGOFSKI    T    450.224US1

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EXAMINER

ONUAKU, C

ART UNIT

PAPER NUMBER

2712

DATE MAILED:

02/17/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/002,600

Applicant(s)  
Wugofski

Examiner  
Christopher Onuaku

Group Art Unit  
2712



☒ Responsive to communication(s) filed on Nov 22, 1999

☐ This action is **FINAL**.

☒ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1, 2, 4-13, 15-17, 20, 21, 24, and 25 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, 4-13, 15-17, 20, 21, 24, and 25 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-2, 4-13, 15-17&20-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-6, 8-13, 15, 17, 21 & 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoff ( US 5,467,197).

Regarding claim 1, Hoff discloses computerized ( see Fig. 1; computer 18, col.4, lines 20-32; and Fig.2, and the microcomputer in control unit 207, col.6, lines 55-63) apparatus and method for controlling television receivers and video recorders comprising the method of scheduling a data recording for the recording device, receiving user input at least partially determinative of a recording "reminder" time for the scheduled data recording, and outputting a recording "reminder" signal at a time based on the recording "reminder" time ( see col. 9, lines 16-45).

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Regarding claim 2, the claimed limitations of claim 2 are accommodated in the discussions of claim 1 above.

Regarding claim 4, Hoff discloses the method wherein outputting the recording “reminder” signal comprises outputting message to a network communication device associated with at least one user of the computerized system ( see col.10, line 29 to col.11, line 48).

Regarding claim 5, Hoff discloses the method wherein outputting the “reminder” signal comprises outputting a message concerning the scheduled recording to a pager ( see col.3, lines 23-27, and col.5, lines 29-45).

Regarding claim 6, Hoff discloses the method wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone( see col.5, lines 29-45).

Regarding claim 8, Hoff discloses the method wherein scheduling the data recording includes communicating a recording instruction to the computerized system, and wherein the method further comprises calculating and storing the recording “reminder” time based on at least the user input and at least a portion of the recording instruction before outputting the “reminder” signal ( see col.9, lines 45-59).

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Regarding claim 9, Hoff discloses the method wherein the recording instruction includes a channel identifier, a start time, and an end time( see col.9, lines 29-45).

Regarding claim 10, Hoff discloses the method wherein outputting a “reminder” signal at the predetermined time before the time of the data recording includes comparing a system time to the recording “reminder” time ( see col.9, lines 29-44).

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 1 above. Hoff further discloses the ability to carry ( i.e., at least receive, record and display) one or more programs from different program sources ( see Fig. 2; and col.5, line 60 to col.6, line 63).

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claims 4&11 above.

Regarding claim 13, Hoff discloses wherein the output device comprises a computer and a display( see Fig.2; and system control unit 207 and TV display monitor 213, col.6, line 55 to col.7, line 10).

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Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 6 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 1 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 17 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claims 1&11 above.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claims 1&11 above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7,16&20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoff in view of Strubbe et al ( US 5,047,867).

Regarding claims 7,16&20, Hoff fails to explicitly disclose the method wherein outputting a reminder signal includes outputting a message concerning recording media, but which Strubbe teaches in col.6, lines 25-49). Including a message concerning recording media in outputting a reminder signal makes the total message more complete, and more easily understandable. It would have been obvious to one of ordinary skill in the art to add a message concerning recording media in the output reminder signal, as taught by Strubbe, thereby making the total message more complete, and more easily understandable.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

**Or:**

(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")



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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct  
to the Group receptionist whose telephone is (703) 305-4700.

*600*  
COO

2/1/00

*W. Garber*  
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